

## **CHILD CARE LICENSING ADVISORY COMMITTEE MINUTES**

13 November 2008

Cannon Health Building 288 North 1460 West, Room 114

Salt Lake City, Utah

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**Members Present:** David Rothschild, Diane Wilkinson, Jodie Jensen and Wendy Hobson

**Members Excused:** Dale Smith, Michael Libeck, George Garff, Susan Williams-Ashby, Carol Thompson, Carol Ann Holcombe and Christiana Peterson

**Bureau Staff Present:** Teresa Whiting, Jessica Strout, Donna Thomas, Lynda Worthington, Joyce Hastings, Karrie Phillips, Joan Isom and Sherri Lizotte

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### **1. REVIEW AND APPROVAL OF MINUTES**

Mr. Smith could not attend so Mr. Rothschild conducted the meeting.

Since there was not a quorum of committee members present, Mr. Rothschild moved the review of past meeting minutes to the next meeting.

Ms. Whiting reported the death of an 11-month-old infant who was in the care of licensed in-home provider. The death was a direct result of rule violations. The provider was over ratio and had too many infants in care. She left the home and used her sister as a substitute caregiver. Her sister did not have an approved background screening or orientation training. The sister placed the infant to sleep in a car seat because there was no available crib or other approved infant sleeping equipment. She did not secure the safety strap that is supposed to go between a child's legs. She did not check on the sleeping infant every 15 minutes and the infant apparently slid down in the car seat and was strangled by the chest strap of the car seat. The Bureau delivered an immediate closure order.

### **2. OLD BUSINESS**

#### **License exempt rules (R430-8)**

Ms. Whiting reported that the license exempt rules are now in effect. A copy was handed out and they are available on the Bureau's web page. An application for providers requesting verification of their license exemption status is also on the Bureau's web page. The Bureau's web site is: [www.health.utah.gov/licensing](http://www.health.utah.gov/licensing).

### **Proposed revisions to the background screening rule ( R430-6)**

Ms. Whiting reported that, during the public comment period, the Bureau received three comments via e-mail. One person felt anyone convicted of any Misdemeanor A should not pass a background screening, one supported the proposed changes, and one objected to clearing individuals with alcohol related offenses.

Ms. Whiting pointed out a typo that had been corrected and went over some additional changes made by the Bureau, including adding that people who had charges involving parents providing firearms to a violent minor should not pass their background screening. The ability to deny a background screening based on arrest warrants was also added.

Mr. Brown, president of Mothers Against Drunk Driving, presented comments from that organization. They feel Class A Misdemeanors involving alcohol are very serious, especially in regards to children. He said that adults who supply alcohol to minors (a Class A Misdemeanor) exercise very poor judgement and their actions often result in the death of children, damage children's developing brains, and increase the odds of children developing a dependency on alcohol. He said adults who drive under the influence with minors in the car (a Class A Misdemeanor), usually don't ensure the children are buckled in seat belts, often have accidents that result in the death of children and certainly increase the probability of accidents that could result in the death or serious injury to children.

Mr Brown feels the "ten year look back period" only shows the lack of arrests and convictions and that people previously convicted of these crimes don't change their behavior, they just don't get additional arrests and convictions. He feels people with these arrests and convictions have shown an absolute disregard for children and should not be allowed in child care.

Mr. Rothschild pointed out that a lot of juveniles make mistakes and then "clean up their act" and questioned if they shouldn't be given the benefit of the doubt about not continuing to make poor choices.

Mr. Brown answered that there are not a lot of juveniles convicted of alcohol-related Class A Misdemeanors; they are mostly adults and those adults usually continue making bad choices but don't often get repeat arrests and convictions.

Ms. Whiting clarified for Mr. Derringer that under the current rule people convicted of any Class A Misdemeanor do not pass a background screening and explained that the proposed change in rule would allow people convicted of certain Class A Misdemeanors who have not had any arrests or convictions in the past ten years to pass a background screening.

Mr. Anderson, representing UPCCA, agreed with Mr. Rothschild that people often make serious mistakes and then clean up their act and those people should not be excluded from working in child care.

After more discussions and clarifications, committee members agreed that the "ten year look back" should be applied to people convicted of certain Class A Misdemeanors, but agreed to

exclude those convicted of supplying alcohol to minors and driving under the influence of alcohol with minors in the vehicle.

Ms. Whiting asked if the committee thought those standards should be applied to arrests and convictions concerning marijuana. The majority of the committee felt people with Misdemeanor arrests or convictions concerning marijuana who have gone the required number of years without any other crime should pass a background screening.

### **Non-compliance levels and non-compliance points**

Ms. Whiting explained the non-compliance levels and assigned points to each level and the Bureau's attempts to have objective criteria for applying sanctions to licenses and certificates. She asked for input as to whether the proposed point assignments looked fair and what number of points should trigger a conditional license or a conditional certificate.

Mr Rothschild asked the Bureau to use the proposed point system for several months and come back with a report.

### **Updates to Center Interpretation Manual**

Ms. Whiting listed the updates to the center interpretation manual:

- Partially bound openings over four feet high, like those on the decorative top of picket fences, are not considered entrapment or entanglement hazards.
- Strangulation hazards are defined as bolts ends sticking out more than two threads from the end of a nut.
- Checking the compaction of sand and pea gravel used as cushioning was in two rules; it was taken out of one rule.
- With regards to TB tests and background screenings, the initial date of employment is defined as the first day of pay.
- If children are allowed to go to the bathroom without adult supervision, this information must be included in the center's written policies and procedures.
- The 45-minute window for being over ratio due to extenuating circumstances also applies to the rule for nap time ratios.
- In rooms with children over three years of age, items on shelves and cupboards over 48 inches high or in lower cupboards with child-proof safety devices are considered inaccessible to children.

- Rolls of empty plastic bags (large enough to fit a child's head) that are in boxes are not considered accessible to children.
- Rooms used for toddlers and two-year-old children must meet all requirements for rooms used by toddlers.

### **Updates to In-Home Interpretation Manual**

Ms. Whiting listed the updates to the in-home interpretation manual:

- In outdoor play areas, raised decks or balconies five feet and higher and open basement stairwells five feet and higher are considered safety hazards.
- Strangulation hazards include bolts ends sticking out more than two threads from the end of a nut.
- With regards to supervision, providers can hear children by using audio monitors.
- Providers must check on napping toddlers and older children at least every 30 minutes.
- When they are outside, children younger than school-age can be left unsupervised for 5 minutes or less if providers must go indoors to take a child to the bathroom or take care of an injured child.
- If children in care sleep in the bed, items must be 36 inches above the bed to be considered inaccessible to children.
- In bathrooms used by children, items must be 36 inches above the tub and the toilet to be considered inaccessible to children.
- In outdoor play areas, any hanging wires or ropes longer than 12 inches that are attached to a solid structure are considered strangulation hazards.
- Rolls of empty plastic bags (large enough to fit a child's head) that are in boxes are not considered accessible to children.
- Small craft items or game pieces (that fit in a choke tube) are considered choking hazards if they are on the floor in rooms used by children ages 2 and younger and if they are on shelves less than 36 inches high in rooms used by children ages 2 and younger.
- Immunization records of school age children will not be assessed.

### **3. NEW BUSINESS:**

#### **Findings for dirty toys**

Ms. Whiting explained the Bureau is looking for a more objective method for determining when finding should be issued for dirty toys.

Mr. Derringer, from Bennion Learning Center, feels there is a difference between dirty toys and used toys. He suggested assessing toys by rubbing their surface with alcohol wipes to see **if** any dirt comes off. He also feels there needs to be a certain percentage of dirty toys before they present a safety hazard to children.

Ms. Whiting asked for input on how to assess if a toy is dirty and how many toys should be assessed.

Mr. Rothschild pointed out that recent studies advise against having a totally clean and sanitary environment because it may hamper the development of children's immune systems.

Ms. Avila, from Bennion Learning Center, suggested choosing 5 toys in a room and wiping them with a Wet Wipe. If all five toys are dirty (dirt comes off onto the Wet Wipe), a finding should be issued.

The committee members agreed that water-based Wet Wipes would be better to use than alcohol-based Wet Wipes.

Ms. Whiting said the Bureau will discuss with staff how to implement these recommendations.

#### **Draft Revisions of Center Rules**

Ms. Whiting reviewed proposed changes to current center rules:

- In all rules with the word “disinfect”, change “disinfect” to “sanitize”.
- Add definitions of “protective cushioning”, “sleeping equipment” and “volunteer”.
- In the rule about when a license is required, change “care in lieu of parental care” to “care in the absence of the child’s parent”.
- In the rule about when a license is required, remove. . . “care for each individual child for less than 24 hours a day”.
- In the rule about when a license is required, change “regularly scheduled ongoing enrollment” to “open to children on an ongoing basis”.
- In the heading for rules about indoor environment, change “indoor environment” to “facility”.

- In the rule about safety glass, change “windows and glass doors 36 inches from the floor” to “windows and glass doors 36 inches from the floor or ground”.
- In the rule about square footage for the outdoor play area, change “40 square feet per child” to “40 square feet per child using the area at the same time”.
- In the rule about fences, change “outdoor play area shall be enclosed by a 4 foot fence or wall” to “outdoor play area used by children shall be enclosed by a 4 foot fence or wall”.
- Move rules about pools and trampolines to the section for injury prevention.
- In rules about annual and orientation training, take out the names of each rule section.
- In the rule about annual training, add that training on SIDS and shaken baby is required for staff with infants and toddlers.
- In the rule about annual training, add that the training is required for substitutes who work 10 hours a week or more as averaged over a 3 month period.
- In the rule about annual training, add that assistant directors must complete annual training.
- In the rule about children’s admission agreements, add that there needs to be a name, address, and phone number of out of state contacts, if available.
- In the rules for immunization records, have them only be required for infants, toddlers, and pre-school age children.
- In the rule for first aid kits, add that they shall be taken on field trips.
- Take out the rules for emergency exit plans; they are looked at by the fire departments.
- In the rule about strangulation hazards, change “strings” to “ropes” .
- In the rule about choking hazards, change the ages to “under age 3”.
- In the rule about food brought from home, change shall be labeled with the “child’s full name” to just the “child’s name”.
- In the rules about hand washing, remove the “20 seconds”.
- In the rule about labeling medications change the child’s “name” to “full name”.
- In the rule about the storage of refrigerated medication, change “covered container with a leakproof lid” to a “leakproof container”.

- Add to the medication rule that staff can give medication owned by the center to children after receiving verbal consent by the parent which is followed up with written consent.
- In the rules about formula, occupying equipment, swings, and walkers, change “infant” to “infant and toddler”.
- In the rule about shaking bottles, take out the word “thoroughly”.

### **Language for the Search for Provider page on the Bureau’s Web Page**

Ms. Whiting showed a draft page about the benefits of choosing regulated providers to add to the Bureau's website when the new Bureau database is completed. The benefits listed are that they meet basic health and safety requirements, they have at least two inspections twice a year, they correct findings from inspections, they have complaints investigated, and the public can check information in their files.

Mr. Anderson suggested adding staffing requirements and Ms. Wilkinson suggested adding training requirements.

### **Draft of Out of School Time Rules**

Mr. Rothschild proposed that everyone read over the draft rules and bring comments to the next meeting. All committee members agreed.

Ms. Whiting explained the need for new draft rules because the previous set of draft rules for out of school time care included rules for programs in public schools and the statute has been changed to exempt programs in public schools.

The meeting was then officially adjourned.